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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,304	11/18/2003	Alastair J.D. Beadle	069547.0179	6922
5073	7590	02/19/2008	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3696	
			NOTIFICATION DATE	DELIVERY MODE
			02/19/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/716,304	BEADLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL S. FELTEN	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 November 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-51 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-51 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/30/2008, 12/07/2007, 3/30/2007, 1/13/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____



## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 1/30/2008, 12/07/2007, 03/30/2007 and 01/13/2006 were filed after the mailing date of the application and are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

*Re at least claims 1 & 12:* These claims recite, “information regarding the second user that *can be* used to allow the first to engage in trading activity...” does not require or positively recite that the information be used to engage in trading activity, but merely that it *possible* for the information to be used. It is suggested that the applicant change “can be” to --is-- in the recited claims and all others that have this problem.

*Re at least claims 7 & 18:* These claims recite, “wherein the first user *may* engage in trading activity...” the word “*may*” connotes that it is merely possible to engage in trading activity, but it is not required. It is suggested that the application change this limitation to -- wherein the first user engages in trading activity...—

*Re at least claims 18, 23, 25, 26, 31, 39, 46, 51 et al:* These claims and others recite the word "if" which is confusing because it is not positively recited. The word "if" connotes an optional consideration or requirement for the step to be performed. It is suggested that the applicant delete the word "if" and replace it with --when--.

4. Claims 3, 11 (and others) recites the limitation "itself" in the claims. There is insufficient antecedent basis for this limitation in the claim(s).
5. Re claims 1-51" a login "request" or attachment "request" etc., is problematic because a "request," suggests that there is a choice to perform the action being asked or not. Therefore it is suggested that "request" be replaced by --command-- and/or terms that more positively recite the claimed step(s).

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

At least Claims 1-51 of the claimed invention is directed to non-statutory subject matter.

The claims describe functional and non-functional descriptive material without providing a data structure which imparts functionality when employed by a computer component or a properly recited computer-readable medium [see MPEP 2106.01]. For example, the applicant recites "*a client application*" which is merely a program, or a set of instructions not clearly executed by any medium (particularly executed by a computer readable medium). Also the "user profile information" seems to be non-functional descriptive material because it is not a computer

component and does not become statutory by merely becoming recorded on a computer-readable medium.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-6, 8-10 14-17, 19-21, rejected under 35 U.S.C. 102(b) as being anticipated by Jacoby, JR (US 2002/0107746).

*As per claim 1, Jacoby discloses a method of managing access to a trading network (see Abstract, comprising:*

receiving from a client application a first network login request for a first user (broker workstation--10), the first login request including first authentication information (see Jacoby, figs. 1A & 1B, “Login Screen (100) paragraph 0046);

approving the first network login request based at least on the first authentication information (user identification and password), wherein approving the first login network request authorizes the first user to access the trading network (Homepage—102)(see Jacoby, paragraph 0046);

identifying from a plurality of users one or more associated users for which the first user is authorized to act as a proxy (see “ level of security clearance,” paragraph 0047), the one or more identified associated users including a second user (see Jacoby “Contacts page,” (114) or “Personal Contact,“ window (124) paragraph 0049, and “list of favorites,” paragraph 0053); obtaining user profile information for the second user (see paragraph 0049), the user profile information including information regarding the second user that can be used to allow the first user to engage in trading activity via the trading network on behalf of the second user; and communicating the user profile information to the client application (see paragraph 0049).

*Re claim 3 & 14:* the first user is a broker that is prevented from engaging in trading activity via the trading network on behalf of itself (see paragraph 0046).

*Re claims 4 & 15:* identifying, based at least on the received first authentication information, one or more trading systems to which the first user is authorized access; and communicating to the client application a list of the identified trading systems (see paragraph 0046).

*Re claims 5 & 16,* the user profile information identifies one or more trading systems to which the second user is authorized access for trading activity (see paragraph 0047).

*Re claims 6 & 17,* the user profile information identifies, for each identified trading system, one or more parameters defining the permitted trading activity for the second user in that trading system (see “filter information,” paragraph 0049-0050).

*Re claims 8 & 19,* wherein the first user is a first broker; wherein the method further comprises storing a set of broker-trader relationships, each broker-trader relationship defining a relationship between one of a plurality of brokers and one of

a plurality of traders, the plurality of brokers including the first broker and the plurality of traders including the plurality of users (see “Contacts Page,” paragraph 0049); and

wherein the one or more associated users for which the first user is authorized to act as a proxy are identified by identifying from the set of broker-trader relationships each broker-trader relationship between the first broker and any one of the plurality of traders (see “Contacts Page,” paragraph 0049);

*Re claims 9 & 20,* receiving an attachment request from the client application, the attachment request associated with a particular trading system and including a request to establish a user relationship between the first user and the second user;

in response to the attachment request, establishing a user relationship between the first user and the second user; and

establishing an association between the user relationship and a connection with the particular trading system;

wherein the established user relationship and the established association allow the second user to engage in trading activity in the particular trading system on behalf of the second user (see paragraph 0052).

*Re claims 10 & 21,* receiving an additional attachment request from an additional client application associated with a third user (hauler), the additional attachment request comprising a request to establish an additional user relationship between the third user and the second user; in response to the attachment request, establishing an additional user relationship between the third user and the second user; and

establishing an additional association between the additional user relationship and the connection with the particular trading system;

wherein the established additional user relationship and the established additional association allow the third user to engage in trading activity in the particular trading system on behalf of the second user (see paragraph 0056).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 7, 11, 13, 18 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacoby.

*Re claims 2 & 13:* Logging into a computer system from a client application is notoriously known within the art for authentication/security of the system and provide information to the system as to monitor the activities of the user. Thus OFFICIAL NOTICE is taken of logging onto a system because such a modification would be an obvious extension of the teachings of Jacoby to allow the system to know what buyers and sellers where on the trading network.

*Re claims 7, 11, 18 & 22,* it is notoriously old and well known that Brokers perform trading activities on behalf or their clients in an trading exchange therefore OFFICIAL NOTICE is taken of a first user being a broker engaging in trading activity on behalf of a passive trader that being implied in the activities of a professional broker and also implied in Jacoby

***Allowable Subject Matter***

11. Claims 23-51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 35 USC 101 rejections, set forth in this Office action.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Melkomian et al (US 2002/0128952) discloses a virtual interactive global exchange

Greenwood (US 2002/0156722) discloses automated securities trading system

Annunziata (US 2001/00346688) discloses a system for trading commodities and the like

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel S Felten/  
Primary Examiner, Art Unit 3696

/D. S. F./  
Primary Examiner, Art Unit 3696  
2/11/2008